

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANDRE BOYER,

Plaintiff,

v.

**THE CITY OF PHILADELPHIA,
COMMISSIONER CHARLES RAMSEY,
Defendants.**

CIVIL ACTION

NO. 13-6495

ORDER

AND NOW, this 22nd day of February, 2019, upon consideration of Defendants' Motion in Limine (Document No. 130, filed December 28, 2018) Plaintiff's Response to Defendants' Motion in Limine (Document Nos. 133 & 134, filed January 3 & 4, 2019), Defendants' Motion in Limine to Exclude Testimony of Certain Witnesses (Document No. 135, filed January 7, 2019), Plaintiff's Response in Opposition to Defendant's Motion in Limine to Exclude Testimony of Certain Witnesses (Document No. 137, filed January 14, 2019), Defendants' Reply to Plaintiff's Response in Opposition to Defendants' Motion in Limine (Document No. 141, filed January 18, 2019), and Plaintiff's Reply in Opposition to Defendant's Motion in Limine to Exclud [sic] Testimony of Witnesses (Document No. 142, filed January 23, 2019), for the reasons set forth in the accompanying Memorandum dated February 22, 2019, **IT IS ORDERED**, as follows:

1. Defendants' Motion in Limine seeking to exclude comparator evidence regarding John McCluskey, Jeffrey Cujdik, and Angel Ortiz is **GRANTED** pursuant to Federal Rules of Evidence 401 and 403.

2. Defendants' Motion in Limine to Exclude Testimony of Certain Witnesses is **GRANTED IN PART AND DENIED IN PART**, as follows:

- a. That part of defendants' motion seeking to exclude the testimony of Angel Ortiz, John Snyder, and Raymond Evers is **GRANTED** pursuant to Federal Rule of Evidence 401.
- b. That part of defendants' motion seeking to exclude the testimony of Michael Vargas and Milord Celce is **GRANTED** pursuant to Federal Rules of Evidence 401 and 404.
- c. That part of defendants' motion seeking to exclude the testimony of Christopher Flacco is **GRANTED** pursuant to Federal Rules of Evidence 401 and 403.
- d. That part of defendants' motion seeking to exclude John Hargraves's testimony regarding the admissibility of testimony of coworkers, the improper filing of dismissal paperwork, and specific instances of Commissioner Ramsey lying under oath is **GRANTED** pursuant to Federal Rules of Evidence 401 and 608.
- e. A ruling on that part of defendants' motion seeking to exclude John Hargraves's testimony as it relates to "wrongful termination practices" is **DEFERRED**.
- f. That part of defendants' motion seeking to exclude the testimony of Commissioner Richard Ross is **DENIED**.

3. The rulings in this Order cover only the proffered testimony of witnesses and other evidence which plaintiff argued should be admitted in his case-in-chief. The rulings do not cover any appropriate rebuttal testimony or other evidence and are **WITHOUT PREJUDICE** to the right of the parties to seek reconsideration at trial if warranted by the evidence and the law as stated in the attached Memorandum.

BY THE COURT:

/s/ **Hon. Jan E. DuBois**

DuBOIS, JAN E., J.